

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM BURKE,

Plaintiff,

vs.

Case No. 2:19-cv-2006

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

JAMES ALEX FIELDS, *et al.*,

Defendants.

ORDER

This case was filed on May 17, 2019. (ECF No. 1.) The following Defendants were served with the Complaint but failed to timely plead or otherwise move in response: James Alex Fields, Jr. (ECF No. 11), Proud Boys (ECF No. 23), Nationalist Front (ECF No. 8), and Honorable Sacred Knights (ECF No. 11). Defendants The Traditionalist Worker Party and David Duke each filed a timely Motion to Dismiss Plaintiff's Complaint. (ECF Nos. 16, 33.)

As of August 27, 2019, service of the Complaint had not been completed as required by Federal Rule of Civil Procedure 4(m) as to the remaining Defendants. Accordingly, the Court directed Plaintiff to show cause why the Court should not dismiss the claims against those Defendants. (ECF No. 22.) In response, Plaintiff requested, and the Court granted, an additional ninety (90) days, or until December 10, 2019, to serve the following Defendants: Vanguard America, Andrew Anglin, Gregory Anglin, Daily Stormer, Moonbase Holdings, LLC, Anglin and Anglin, LLC, Robert Ray, Matthew Heimbach, Jason Kessler, Richard Spencer, Augustus

Sol Invictus, and Morning Star Ministries USA, Inc., and National Policy Institute¹. (ECF Nos. 30, 31.)

Plaintiff filed an Amended Complaint on September 9, 2019. (ECF No. 25.) Pursuant to Federal Rules of Civil Procedure 4(m), 5(a)(1)(b), and 5(a)(b), Plaintiff is required to serve the Amended Complaint on all parties that had not filed an Answer or otherwise moved in response to the initial Complaint. Plaintiff was advised of this obligation in the Court's October 24, 2019, Order. (ECF No. 43.) It does not appear that service of process has been completed as required by the Civil Rules 4(m), 5(a)(1)(b), and 5(a)(b) on the following Defendants: James Alex Fields, Jr., Proud Boys, Nationalist Front, Honorable Sacred Knights, Vanguard America, Andrew Anglin, Gregory Anglin, Daily Stormer, Moonbase Holdings, LLC, Anglin and Anglin, LLC, Robert Ray, Matthew Heimbach, Jason Kessler, Richard Spencer, Augustus Sol Invictus, and Morning Star Ministries USA, INC.

The Court has granted an extension of time until January 27, 2020, for Plaintiff to serve the following Defendants: Andrew Anglin, Gregory Anglin, Daily Stormer, Moonbase Holdings, LLC, Morning Star Ministries USA, INC., and Anglin and Anglin, LLC (collectively, the "Anglin Defendants"). (ECF No. 50.)

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE WITHIN FOURTEEN (14) DAYS OF THE DATE OF THIS ORDER** why the claims against Defendants James Alex Fields, Jr., Proud Boys, Nationalist Front, Honorable Sacred Knights, Vanguard America, Robert

¹ The Court inadvertently left out Defendant National Policy Institute in its list of unserved Defendants in ECF No. 31. On October 24, 2019, the Court issued an Order that, *inter alia*, directed Plaintiff to serve the Amended Complaint on all unrepresented parties, including Defendant National Policy Institute, pursuant to Civil Rule 4(m), 5(a)(1)(b), and 5(a)(2). (ECF No. 43.) The deadline for Plaintiff to serve Defendant National Policy Institute was December 10, 2019. (*Id.*) Summons was returned executed as to Defendant National Policy Institute on December 10, 2019. (ECF No. 48.)

Ray, Matthew Heimbach, Jason Kessler, Richard Spencer, and Augustus Sol Invictus should not be dismissed and why an extension of time to effect service should be allowed. The good cause showing should be supported with sworn affidavits.

IT IS SO ORDERED.

DATED: December 11, 2019

/s/ Elizabeth A. Preston Deavers

ELIZABETH A. PRESTON DEAVERS

CHIEF UNITED STATES MAGISTRATE JUDGE